

ENTERED

February 22, 2016

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

RAFAEL ACEVES-LARA

Movant

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CIVIL NO. M:15-547

VS.

CRIMINAL NO. M-15-633-1

UNITED STATES OF AMERICA

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
AND GRANTING DISMISSAL**

The Court has reviewed the magistrate judge's Report and Recommendation regarding Movant Rafael Aceves-Lara's action pursuant to 28 U.S.C. § 2255. After having reviewed the said Report and Recommendation, and no objections having been filed by either party, the Court is of the opinion that the conclusions in said Report and Recommendation should be adopted by this Court.

It is, therefore, **ORDERED, ADJUDGED** and **DECREED** that the conclusions in United States Magistrate Judge Peter E. Ormsby's Report and Recommendation entered as Docket Entry No. 2 are hereby adopted by this Court.

FURTHER, the Court, having adopted the magistrate judge's conclusions, is of the opinion that the Motion to Vacate Sentence under 28 U.S.C. § 2255 should be **DISMISSED** without prejudice as premature, and that a certificate of appealability should be **DENIED**.

The Clerk shall send a copy of this Order to the Movant and counsel for Respondent.

SO ORDERED this 22nd day of February, 2016, at McAllen, Texas.



Randy Crane
United States District Judge